

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RAMADA WORLDWIDE, INC.,

Civil Action No.: 07-2726 (JLL)

Plaintiff,

ORDER

v.

SHRIJI KRUPA, LLC., et al.,

Defendants.

This matter comes before the Court by way of a motion by Defendant Mitesh Patel (“Defendant” or “Patel”) to vacate default judgment and dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process. (CM/ECF No. 35). On April 15, 2013, Magistrate Judge Michael Hammer issued a Report and Recommendation that this Court grant Defendant’s motion to vacate default judgment, deny his motion to dismiss the complaint pursuant to Rule 12(b)(5), quash the alleged service upon him, and allow plaintiff sixty (60) days to effect proper serve of process upon Patel. (CM/ECF No. 39). No objections have been filed thereto and the time to do so has expired. Having reviewed the Report and Recommendation, and for good cause shown,

IT IS on this 7th day of May, 2013,

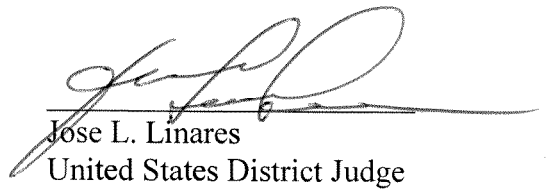
ORDERED that this Court hereby ADOPTS Judge Hammer’s April 15, 2013 Report and Recommendation as the findings of fact and conclusions of law of this Court; and it is further

ORDERED that Defendant's motion to vacate default judgment is GRANTED; and it is further

ORDERED that the motion to dismiss the complaint pursuant to Rule 12(b)(5) is DENIED; and it is further

ORDERED that the alleged service upon defendant is hereby quashed. Plaintiff shall effect proper service upon Patel within sixty (60) days.

SO ORDERED.



Jose L. Linares
United States District Judge